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ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
NINE HUNDRED AND SEVENTY-SIXTH MEETING

Held at Headquarters, New York,
on Thursday, 31 January 1991, at 9.20 p.m.

President:	Mr. BAGBENI ADEITO NZENGEYA	(Zaire)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	China	Mr. LI Daoyu
	Côte d'Ivoire	Mr. ANET
	Cuba	Mr. ALARCON de QUESADA
	Ecuador	Mr. AYALA LASSO
	France	Mr. BLANC
	India	Mr. GHAREKHAN
	Romania	Mr. MUNTEANU
	Union of Soviet Socialist Republics	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Mr. RICHARDSON
	United States of America	Mr. PICKERING
	Yemen	Mr. AL-ASHTAL
	Zimbabwe	Mr. MUMBENGEGWI

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91-60338/A 4413V (E)

The meeting was called to order at 9.20 p.m.

ADOPTION OF THE AGENDA

The PRESIDENT (interpretation from French): The provisional agenda for this meeting is before the Council in document S/Agenda/2976. Is there any objection to the adoption of the agenda?

Mr. ALARCON de QUESADA (Cuba)(interpretation from Spanish): We have before us a provisional agenda, the substantive item of which is "The situation between Iran and Iraq", based on the report of the Secretary-General on the United Nations Iran-Iraq Military Observer Group (UNIIMOG), and certain measures have been put forward to the Council. We hope that the Council will be able to adopt them, as it examines the prevailing situation with regard to the important tasks this Group is carrying out.

My delegation believes that it is appropriate for the Council to meet now to renew the mandate of UNIIMOG and to support it fully in the important responsibilities it is discharging.

However, my delegation cannot vote in favour of adopting the provisional agenda without voicing its deep dissatisfaction that the Council has not been able to consider a serious problem that is of concern to the entire world, a matter that is obviously the Council's most basic obligation to take up. Despite the fact that for more than one week a group of members of the Council has been asking for a meeting on an urgent basis and despite the fact that two members of the Council have requested that the Council meet to consider the war situation that currently exists in the region, thus far the Council has not done so, notwithstanding the clear and categorical provisions set forth in the Council's provisional rules of procedure.

(Mr. Alarcon de Quesada, Cuba)

In agreeing to consider tonight item 2 on the provisional agenda, my delegation also wishes to express its view that this body has a basic obligation to fulfil in connection with the war situation prevailing in the Gulf, the obligation to consider, to discuss and to hear the ideas and proposals member States wish to put forth -

The PRESIDENT (interpretation from French): I call upon the representative of the United States of America on a point of order.

Mr. PICKERING (United States of America): As a point of order, I suggest that, unless the representative of Cuba has a proposal to make with respect to the provisional agenda before us, the debate into which he is entering is completely out of order.

The PRESIDENT (interpretation from French): I agree that we have before us a provisional agenda. If the representative of Cuba wishes to raise a point of order under rule 30 of the provisional rules of procedure - that is, to raise a point of order - the President will be obliged to ask the members of the Security Council to take an immediate decision on his ruling with regard to the adoption of the provisional agenda.

Mr. ALARCON de QUESADA (Cuba)(interpretation from Spanish): I am speaking to item 1 of the provisional agenda, which is entitled "Adoption of the agenda". My delegation has every right to express its disagreement with the manner in which attempts are being made to muzzle the Council, with the activities that have prevailed lately, in violation of our fundamental obligation under the Charter and the provisional rules of procedure. That is the point of order that should be before the members of this Council.

The PRESIDENT (interpretation from French): I should like to remind members of the Council that we are now proceeding pursuant to rule 9 of the provisional rules of procedure, which stipulates that "The first item of the provisional agenda for each meeting of the Security Council shall be the adoption of the agenda." If a member objects to the adoption of the provisional agenda, the President will be obliged to put that challenge to the vote.

Mr. AL-ASHTAL (Yemen) (interpretation from Arabic): You invited us, Mr. President, to comment on the point of order raised by my colleague, the representative of the United States. Despite the fact that rule 9 of the provisional rules of procedure states that "The first item of the provisional agenda for each meeting of the Security Council shall be the adoption of the agenda", there is nothing in that or any other rule to preclude any delegation's asking to make a statement. Therefore -

The PRESIDENT (interpretation from French): I have to interrupt the representative of Yemen, because if he challenges the agenda, and if there is a challenge from our colleague from Cuba, I shall have to ask members of the Council to take a decision on that challenge. Rule 9 is clear:

"The first item of the provisional agenda for each meeting of the Security Council shall be the adoption of the agenda."

If after the adoption of the agenda members of the Council wish to express their views on the item under consideration - the situation between Iran and Iraq - they may then speak on the item on the agenda, which would previously have been adopted. But if there is a challenge, I shall be obliged to put that challenge to the vote.

Mr. AL-ASHTAL (Yemen) (interpretation from Arabic): In these last few hours of your presidency, Mr. President, I hope you will allow us to comment more widely on the point of order that has been raised. When you interrupted me I was speaking of the point of order raised by the representative of the United States. I said that rule 9 did not preclude a statement by any member of the Security Council before the adoption of the agenda. Therefore, I say that the representative of Cuba has the right to make his statement.

(Mr. Al-Ashtal, Yemen)

I also wish to inform you, Mr. President, that I, too, should like to make a short statement, lasting about two minutes.

The PRESIDENT (interpretation from French): If members of the Council insist on putting their challenge to the vote, I am obliged to abide by the procedure specified in rule 9 of our provisional rules of procedure. Nowhere in the provisional rules of procedure is it stipulated that statements may be made before the agenda is adopted. We must therefore first adopt the agenda, and then if there is any challenge to this rule I shall request members of the Council to take a decision on that challenge. In other words, some would support that challenge and those who voted against would be those who would take a stand against that challenge and who would be in favour of the strict application of the Council's provisional rules of procedure pursuant to rule 9. The representatives of Cuba and Yemen have challenged the rule that has been proposed.

Mr. AL-ASHTAL (Yemen) (interpretation from Arabic): I did not challenge what you said about rule 9, Mr. President. My delegation considers that we can adopt the provisional agenda, and then I should like to speak on a matter pertaining to the agenda.

Mr. ALARCON de QUESADA (Cuba) (interpretation from Spanish): I had no doubt whatsoever, Mr. President, that I was entirely in order. In any event, the Secretariat might be kind enough to note my country's name, and then after the agenda is adopted we should like to speak in connection with the item on the agenda.

The PRESIDENT (interpretation from French): If there is no objection, I shall take it that the agenda is adopted.

The agenda was adopted.

THE SITUATION BETWEEN IRAN AND IRAQ

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS IRAN-IRAQ MILITARY OBSERVER GROUP (S/22148*)

The PRESIDENT (interpretation from French): I should like to inform the Council that I have received from the representatives of the Islamic Republic of Iran and of Iraq letters in which they request to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in conformity with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Zarif (Islamic Republic of Iran) took a place at the Council table; Mr. Al-Nima (Iraq) took a place at the Council table.

The PRESIDENT (interpretation from French): The Security Council will now begin its consideration of the item on its agenda. Members of the Council have before them the report of the Secretary-General on the United Nations Iran-Iraq Military Observer Group (UNIIMOG) for the period 21 November 1990 to 27 January 1991 (S/22148*).

Members of the Council also have before them the text of a draft resolution, contained in document S/22171, which has been prepared in the course of the Council's prior consultations. It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour: Austria, Belgium, China, Côte d'Ivoire, Cuba, Ecuador, France, India, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen, Zaire, Zimbabwe

The PRESIDENT (interpretation from French): There were 15 votes in favour. The draft resolution has thus been adopted unanimously as resolution 685 (1991).

Mr. AL-ASHTAL (Yemen) (interpretation from Arabic): By the resolution just adopted, the Security Council has decided to extend the mandate of the United Nations Iran-Iraq Military Observer Group (UNIIMOG) for a period of one month, until 28 February 1991, in accordance with the Secretary-General's request.

The delegation of Yemen joined in voting in favour of the resolution. After an eight-year war of destruction between Iran and Iraq, a new era of relations between those two countries has begun. We hope that these new relations will help in the establishment of peace and security in the area.

Just as we are closing this chapter of the past, we are witnessing a deterioration of the situation in the region because of the major war operations now taking place in accordance with Security Council resolution 678 (1990).

On 23 January, the countries of the Arab Maghreb called for a Security Council meeting to debate the situation in the region. On 24 January, as representative of Yemen in the Security Council, I put forward a similar request. I find it most regrettable that the Security Council has to date been unable to agree to my request in accordance with rule 2 of the provisional rules of procedure. This is the first time in the history of the Security Council that, regrettably, a request of this kind has not been accepted.

The war in the Gulf may lead to a crisis in the Security Council, which we fear may lead to paralysis of its work. It was incumbent on my delegation to put this problem forward because we believe the Security Council must always stand against war, particularly since these war operations have gone beyond our view of resolution 678 (1990). What we are witnessing today is more like an attempt to destroy the military and scientific infrastructure of Iraq than an attempt to liberate Kuwait.

We recognize the need for Iraq to withdraw from Kuwait and for restoration of Kuwait's full sovereignty. We call upon you, Mr. President, and the President for

(Mr. Al-Ashtal, Yemen)

February speedily to consider our request so that the Security Council may, openly in this Chamber, take the appropriate measures.

Mr. ALARCON DE QUESADA (Cuba) (interpretation from Spanish): Mr. President, I do not want to miss this opportunity, as we come to the end of January, to express our delegation's appreciation for all the efforts you have made. Although the public work of the Council has not been as intense as in past months, during this period we have in fact worked rather hard at other levels. We have witnessed your great efforts to discharge your responsibilities, and before your mandate as President comes to an end, we wish to express our appreciation for the manner in which you have conducted the deliberations of the Council this month.

My delegation referred to the contradiction facing the Council when we met to consider this agenda item and the situation that has prevailed in the last two weeks. We thought that in this agenda item we had found the right framework for our comments. Nowhere in the provisional rules of procedure have we found any reference to possible constraints on the right of Council members to speak in connection with the adoption of the agenda before its adoption. I do hope that now no one will deny that the subject to which I referred is related - and quite considerably, at that - to the subject of the resolution just adopted.

I would imagine that my colleagues have read the Secretary-General's report (S/22148). Paragraph 19 is the report's longest paragraph, and in it he is obliged to refer to the real war taking place in the region at the present time, which directly affects UNIIMOG's compliance with its mandate. My delegation wishes to draw members' attention to the fact that it does not serve the interests of this body that - as we express our appreciation for the efforts and praiseworthy mission being carried out by the members of UNIIMOG, and as we agree with the Secretary-General's final observations with regard to continuation of the process to consolidate peace and put an end to the most regrettable conflict that has

(Alarcon de Quesada, Cuba)

divided Iran and Iraq for so many years - the Council has ironically not yet been able to meet to perform a clear duty spelled out in the provisional rules of procedure, a primarily moral duty: to preserve future generations from the scourge of war, to do whatever can be done for peace. The members of the Council must not be deprived of the right under the Charter to be heard. Above all, the Council must not be placed in a situation in which it could be found to be ignoring the norms governing its activities.

In paragraph 19 of the Secretary-General's report, we read:

"With the deterioration of the situation in the second week of January 1991 and the requirement to ensure the safety of UNIIMOG personnel, it was decided as a precautionary measure to thin out the staff, both military and civilian, at the headquarters at Baghdad." (S/22148, para. 19)

That is appropriate. We agree with that view. We think it only fair to ensure the safety of UNIIMOG personnel, military and civilian. But my delegation is concerned about the thousands of women and children of both sides in this confrontation who are even now losing their lives without the Council's doing anything to prevent this from happening.

The PRESIDENT (interpretation from French): I think we have now reached the end of our work. However, I wish to reply to a remark made by the representative of Yemen and to say to him that all members of the Council are aware that rule 2 of the provisional rules of procedure was duly applied by the President. He has thus received a mandate from all members of the Council to conduct consultations. It is clearly understood that the members of the Council are unanimous in supporting the principle of convening a formal meeting of the Council. The President has therefore received a mandate to convene to agree on the date of that meeting.

(The President)

Hence the President for February will continue the consultations that his predecessor, in my person, began, and will prepare for that formal meeting in terms of form, substance and content, as was the case with the 13 other meetings of the Security Council that were the framework for the Council's decisions marked by the adoption of 12 resolutions by its members.

There are no further speakers for this meeting. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 9.50 p.m.